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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **Civil Revision No. 4294 of 2007**
Date of decision: 28.8.2007

Ramesh Kumar Pashan ...Petitioner

Versus

Sumita Bedi and another ...Respondents

2. **Civil Revision No. 4354 of 2007**

Ramesh Kumar Pashan ...Petitioner

Versus

Sumit Safat and others ...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mrs. Kiran Bala Jain, Advocate for the petitioner.

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RAJESH BINDAL, J.

Challenge in these two petitions is to orders dated August 14, 2007 passed by learned Additional District Judge, Ludhiana whereby applications filed by the petitioner for appointment of Local Commissioner were rejected.

Learned counsel for the petitioner submitted that appointment of Local Commissioner was required for just and proper decision of the issue in dispute as he would have reported the status at the site, which the other party was disputing. After considering the contention raised by both the parties, learned trial Court rejected the application by observing that even if the application for appointment of Local Commissioner was allowed, the same was of no help as the same could not lead the Court to any conclusion as even then the issue would arise as to who had installed the items like electric meter, hand pump etc. Accordingly, it was found that no useful purpose will be served by appointing local Commissioner.

Learned counsel for the petitioner submitted that report of the Local Commissioner would be material for the purpose of decision of the

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controversy as he would have given a detailed report of the factual position at the site, which would have made clear that as to whether the stand taken by the petitioner or the respondents was correct.

After hearing learned counsel for the petitioner, I do not find any merit in the contention raised. A Division Bench of this Court in **Pritam Singh and another Vs. Sunder lal and others** 1990 (2) Punjab Law Reporter 191 has categorically held that order refusing to appoint a Local Commissioner does not decide any issue nor adjudicate rights of the parties for the purpose of the suit and no revision against that was held to be maintainable. Learned counsel for the petitioner has not been able to cite any judgment taking a view contrary to what has been taken by the Division Bench of this Court. She has referred to a judgment of Single Bench of this court in **Hari Om Vs. Manish Kumar, 2005(2) HRR 246** where also incidentally Court had dismissed revision petition filed by the petitioner therein challenging the order for refusing to appoint Local Commissioner.

Accordingly, I do not find any merit in the present petitions and the same are dismissed.

August 28, 2007 **(Rajesh Bindal)**
Pka **Judge**